

A

REVIEW OF THE STATE OF THE ENGLISH NATION.

Saturday, March, 9. 1706.

THE Cruelty of our Laws against Debtors, without Distinction of Honest or Dishonest, has been the Subject of our last: that it is *the Shame of our Nation*, I have made too plain already; I am now upon proving, 'tis the Injury and Detriment of the Publick.

This is plain, first, by the Numerous Families that now Live in Exile, in all the Foreign Countries in Europe, Banish'd from their Native Country, Relations and Employments, for Debt; Frighted away by the Terrors of *Perpetual Imprisonment*, a Severity, no Christian Nation ever inflicted before; here they Live, and first spend the Estates of their Creditors, which they would Honestly have deliver'd; up, if it would have been accepted; but being refus'd in such Fair and Sincere Proposals,

what must they do? *Mankind cannot be Starv'd*, that is, they cannot bear it, and will rather run all Extremities, than venture it.

Nor is the Loss of People, and Loss of Stock to the Publick, all the Case here; but these People, having been bred up to our Manufactures, live Abroad, where they Instruct the Nations we Trade with, to make our Goods, Circumvent, and Anticipate our Trade, and weaken us at Home; and one Family thus Driven Abroad, helps to Ruine a Hundred Families at Home. How many Ruin'd Tradesmen and Artists have we now in *Scotland*, Teaching and Instructing the *Scots*, in their New Improvements of our Woollen Manufacture? How many in *Germany* and *Holland*, Informing them, how to Make, Dress, and Manage

Manage the Cloathing, and Supplant our Trade? And what Progress they have made in these Things among our Neighbours, may perhaps be consider'd by it self.

Would any Nation but *England*, drive such People as these away, and refusing to accept of their all, Honestly offer'd in Payment, force them upon Shifts and Extremities, and send them among Foreigners, to Assist them in Ruining our Trade?

Would you, Gentlemen, of the House of Commons, effectually Suppress that Scandalous Sanctuary of Thieves, *the Mint*, where Honest Men are made Knaves, and Knaves harden'd to all manner of Villainous degrees; the most effectual Method in the World, would be to open a Door or Refuge for Debtors, *in the Compassions of the Law*, that Men of Integrity and Principles may be Encourag'd to *run to* their Creditors, and not *run from* them; and this is so Crying a Wound, so calling an Exigence, that you can never obtain the Name of Patriots, nor, *Pardon me for saying it*, in my weak Judgment, can you you Honourably discharge the Trust Repos'd in you by your Country, if you Omit the needful Redress, to a Grievance so fatal to the Nation.

For *Fraudulent Bankrupts*, Flagrant Rogues, such as by design'd Depredations upon Trade, Rob their Creditors, let them Dye the Death of a Thief, as they deserve; let the Severest Punishments, consistent with Humanity, be Contriv'd for them; let the Nation be Clear'd from the Terror of such Plunderers; but to Punish the Poor Men Ruin'd by them, equally with them, is just as if you should make it Felony to be Robb'd, and *Hang the Passenger with the Highwayman*.

I cannot but wonder, that such a thing as this should need any Explaining, and I never met with, or heard of one Objection against it in my Life, either within the House or without; I mean, *as to the Fact*, the Justice of a Common Lenity, to Men of Misfortune, and distinguishing them that are Honest, from them that are not.

If any Man shall say, this is hearing but one side, and Pleading only in behalf of the Multitudes of such People, who now Crowd our Prisons and Privileg'd Places, and that it is not spoken for the Service of Trade in general: I Answer; I am satisfy'd, 'tis easie to get a Petition Sign'd to the House of Commons in this Case, by a Hundred Thousand Tradesmen now Flourishing, and who in the Common Appearance of things, even to their own knowledge, are out of Danger, of any thing, as to themselves; the Grievance is Common and Publick, and every Honest Man has a share in it.

But some tell us, 'tis impossible to make a Law, that shall relieve those, who by their past Misfortune, are already Involv'd in Misery, and encumber'd in these Grievous Labyrinths—— If that be so, 'tis very hard to make Men more Criminal, because they fell into the Pit, a Year or so before their Neighbours; this would be singling out some Men from the rest, and making Difference of Persons, without Difference of Crimes; for as it was no more Criminal for a Man, to Break last Year, if Necessitated by Misfortune, than it will be for a Man to Break next Year, under the same Distress; 'tis hard, he that fail'd last Year shall be Ruin'd, and he that fails next Year be Sav'd.

But that such a Law may make no Distinction of Persons, it seems but just, that all such Unhappy People, who are Honestly willing to Surrender all their Effects to their Creditors, should be Compassionately provided for alike, whether past or to come; or if past Debtors shall not be Reliev'd as to Insolvency, and Enabled to try the World for their Fortunes, Families, and Creditors, than at least, that the Murthering Law of Perpetual Imprisonment, be Restrain'd from such, and they be Restor'd to the Benefit of the *Habeas Corpus Act*, which is the General Privilege of Englishmen, and which if they are depriv'd of, they are Condemn'd as Criminals, to a Misery worse than Death; and of which I admire, that none of those now in

in Prison on that Act, and who can never hope for Release, do not Petition the Parliament for the Favour to be Hang'd.

In the behalfe therefore of such Poor Unhappy Families, who now Languish under this Distress; 'tis my Humble Prayer to Men that oppose these things, that they would consider Humane Nature, and the Dreadful Calamity of a Lingering Gaol; we that are at Liberty cannot judge of it, but Man cannot covet Life, Lock'd up in a Cage like a Wild Beast, and they, who in such Extremities forbear laying Hands on their own Lives, seem to have more Courage and Patience, or less Sence of Misery, than other Men.

'Tis also no less strange to me, to observe some Gentlemen, otherwise of Good Characters, and Good Judgment, Oppose the wholesome and Merciful Laws now on Foot, for General Relief, from the Private Concern, they have on their Hands, with some Capital Debtors of their own; 'tis hard, any Man that has the Service of his Country on his Hands, should stoop to let his Private Interest Byass his Judgment, and his Concern with his own Debtor, Influence his Concern for a Publick Good.

To have a Gentleman say, I am against

such a Law, because such a Man owes me ten Thousand Pound, is a good Argument of his own Judgment indeed, but whether it be a just reasoning, supposing the Person Trusted with the Service of his Country in general, I leave to the Determination of better Judges than I.

However this plain Signification, such a thing must have in it, viz. That what such a Man says in that Case, can have no weight, which other Men, who in their considering, what such Men say against this Law, cannot but remember, that his own ten Thousand Pounds, lie at the bottom of his Argument.

Patriots are such, as sincerely pursuing the Publick Interest of their Country, act for the General Good, without Respect to their separate Interest; 'tis true, it's hard to find such in this Age——But without Offence, it may be said, they who, give their Private interest the Preference in Actions which concern the Publick Good, less deserve the Name of Patriots than other People; and 'tis not doubted, but the end of the Authors will be so consider'd, when they perswade against Publick Good, for Private ends.

MISCELLANEA.

IF the following Case be true, as I have good Authority for; I need do nothing but Relate the Story, and leave any one to judge, what Havock such dealing as this makes in Trade, and how seasonable it is for Authority to Restrain the Exorbitances of Unmerciful Men.

SIR,

Since you have undertaken of late, to shew the Horrid and Scandalous Abuses, that are made of the Statutes of Bankrupts; I cou'd not forbear furnishing you with a re-

markable Instance of that Nature; the Truth of which, not only I, but some others will be ready to Vouch, to your Satisfaction, if there be occasion.

A Young Man near Covent Garden, was a Fournymen to a Linnen Draper; his Master leaving his Shop, Encourag'd him to take it, and trusted him to the Value of about 1000l. some part whereof was Household Goods. The Young Man was so Diligent, and thriv'd so well, that in about a Year and a Half's time, he Paid his Master upward of 700l. of his Money, and yet, as appear'd afterward, has in Stock

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